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FISCAL IMPACT STATEMENT

LS 6963

BILL NUMBER: HB 1259

NOTE PREPARED: Jan 9, 2010

BILL AMENDED:

SUBJECT: Community Transition Programs for Offenders.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. It changes the community transition program (CTP) commencement dates for offenders.
- B. It requires the Department of Correction (DOC) to provide certain additional information when the it gives notice of an offender's eligibility for a CTP.
- C. It changes eligibility requirements to participate in CTPs. It requires DOC to notify certain individuals if an offender is released to a CTP. It permits certain sentences to be suspended or reduced if the offender is participating in a CTP.
- D. It makes different provisions regarding CTPs consistent with one another.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Summary-* These provisions can result in estimated savings of \$200,000 if more offenders can begin a community transition program earlier.

Background- An executed sentence is the fixed term of incarceration that a court sentences a defendant to prison. Currently, in community transition programs, offenders with sentences longer than two years can spend the *last* 30 to 180 days of their executed sentence in a community transition program, depending on the offender's felony class and whether the crime was drug-related. The community transition programs are operated by either a community correction agency in the county or by the criminal court's probation staff. In FY 2009, 82 counties accepted offenders into a CTP program.

As proposed, two changes would be made to the statute:

First, the maximum time an offender would be in a community transition program will depend on the length of the executed sentence and not on the felony class and whether the offense was drug-related.

Second, offenders with less than a one-year executed sentence would also be eligible for the community transition program.

Analysis of Change in CTP Length Based on Executed Sentence – LSA used the FY 2009 offender releases to estimate the effect that changing the maximum length of time that offenders could be in community transition programs. During FY 2009, 1,754 offenders were released to CTP programs. LSA used each offender's fixed term of incarceration, felony level, and whether the offender was sentenced for a drug-related offense to determine the maximum number of days that each offender could be in CTP. LSA also determined the same offender's potential length of stay in CTP based on the offender's executed sentence.

The following table shows the changes in the number of days that offenders would spend in CTP: 452 offenders would spend fewer days in CTP, 565 offenders would have no change in their sentence, and 732 offenders would spend more time in CTP. (See final table for more description of how each felony class would be affected.)

Summary of Change in Number of Days That Offenders Would Spend in CTP*										
	Change in Number of Days in CTP									
Change in Number of Days	-90	-60	-30	0	30	60	90	120	Indeterminable	Grand Total
Number of Offenders	72	244	136	565	303	420	7	2	5	1,754
Number of Offenders	452			565	732				5	1,754
* Based on 1,754 offenders released to CTP in FY 2009.										

Using the release data, LSA found that the maximum number of days that offenders who were released to CTP in FY 2009 could remain in CTP was 186,240. The maximum number of days these same offenders could spend in CTP under this proposal is 196,200. The difference is 9,960 days, a 5% increase.

Estimated Savings– LSA uses the costs of housing DOC offenders in county jails as a proxy for how much DOC can save by releasing certain offenders earlier to CTP. This is because DOC adult facilities are generally at full capacity, and so a percentage of offenders are confined in county jails for part or all of their terms of incarceration. If fewer offenders are in DOC facilities, DOC may be able to transfer more offenders from county jails to DOC facilities.

DOC reimburses community transition programs in the amount of \$35 each day for the first 30 days and \$15 for each day after the first 30 days. DOC pays county sheriffs \$35 for each day an offender is in a county jail. LSA assumes that the cost savings will occur because offenders will be released earlier to CTP, thus avoiding the costs of incarceration in DOC facilities. If these offenders spend less time in DOC and more time in CTP, DOC could save almost \$200,000.

Estimated Savings for DOC					
	Number of Days		Per Diem		DOC Expenditure
Offenders in DOC Facilities*	9,960	x	\$35	=	\$348,600
Offenders in CTP	9,960	x	\$15	=	<u>\$149,400</u>
Savings					<u>\$199,200</u>

* Based on \$35 per day as a proxy for the costs of imprisonment.

The following table shows these proposals and the number of offenders who would be affected by this bill.

Proposed Changes in CTP Based on Length of Executed Sentence						
	Current Law		Proposed Change			
Felony Level	Current Maximum Stay	Number of Offenders	1 to 6 Years Fixed Term	Number Of Offenders	More than 6 Years	Number Of Offenders
FA	120 days	17	120 days	1	180 days	16
FA drug	180 days	25	120 days	12	180 days	13
FB	120 days	226	120 days	118	180 days	108
FB drug	180 days	302	120 days	163	180 days	139
FC	90 days	644	120 days	516	180 days	128
FC drug	120 days	136	120 days	121	180 days	15
FD	60 days	302	120 days	288	180 days	14
FD drug	60 days	97	120 days	97	180 days	
Murder	120 days	5	120 days		180 days	5
Grand Total		1,754		1,316		438

Analysis of Offenders with Less Than One Year Executed Sentence – Although LSA cannot estimate any savings to DOC if this group of offenders can be released early onto CTP, it appears that almost 97% of offenders in this group are released to counties with existing CTPs. In FY 2009, 2,560 offenders with less than a one-year fixed term were released from DOC. Of these, 2,482 offenders were released into counties that have accepted other offenders on CTP.

The following table shows the type of release into these 82 counties with existing CTPs.

Offenders in DOC With Executed Sentence of Less Than One Year Released into CTP Counties by Type of Release				
Discharge	Out-of-State Parole	Parole	Probation	Grand Total
264	2	1,487	729	2,482
10.6%	0.1%	59.9%	29.4%	100.0%

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected: Courts with criminal jurisdiction; community corrections agencies and probation departments.

Information Sources: DOC Offender Information System.

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